

# Helen Wolstenholme

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Helen Wolstenholme is a highly experienced specialist in Clinical Negligence and Personal Injury (including accidents abroad).

She has been recognised as a leading junior in both practice areas in the legal directories for many years. Acting for both claimants and defendants, Helen is particularly known for her work in exceptionally sensitive cases or those involving catastrophic injury.

Helen is recommended in recent editions of Chambers & Partners and The Legal 500 for her written work (*“she commands authority and writes beautifully”, “her drafting skills are exemplary”, “her written work is very impressive”*); her advocacy (*“an excellent advocate... quick to grasp the essential issues in the claim”, “a hugely impressive barrister”*); and her client management (*“very attentive and clients really like her”, “she fights her client’s corner”, her calm and thorough approach means she’s highly regarded by clients”, “she is meticulous at planning and clients have a lot of confidence in her”*).

Helen was appointed a Recorder in May 2023, deployed to the Midlands Circuit; she was elected to the Executive Committee of the Professional Negligence Bar Association (PNBA) in January 2023; and she became a member of the Ogden Working Party in April 2024. Helen is an experienced pupil supervisor and chairs 2TG’s ED&I Committee.

Away from the Bar, Helen is a founding trustee of the educational charity LMK (Let Me Know), which works with young people to prevent relationship abuse and domestic violence.

# Expertise

## Clinical Negligence

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Helen has considerable experience of claims related to obstetrics and gynaecology (e.g. wrongful birth, shoulder dystocia, maternal death, PTSD following traumatic labour, stillbirth); orthopaedics; cardiology; infection control (e.g. sepsis, necrotising fasciitis, discitis following neurosurgery); cosmetic surgery; oncology; emergency medicine; mental health (including the management of patients with suicide ideation); spinal injuries (including cauda equina syndrome); and general practice.

### Notable Clinical Negligence cases

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#### AB v Dr C & others (2023)

Helen acted for the defendants in this claim arising out of a delay in diagnosing base of tongue cancer. Breach of duty was admitted but causation denied, the key issue being whether the claimant's treatment – and her prognosis – would have been the same in any event. The expert evidence was particularly contentious, one of the claimant's experts having sought to alter his opinion after the joint statement was prepared. The claim was pleaded in excess of £7m and settled for a modest sum at a JSM shortly before trial.

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#### CD v E NHS Trust (2022)

Helen acted for the defendant in this claim arising out of an allegedly negligent delay in diagnosing necrotising fasciitis in a patient who had recently given birth. The claimant required multiple procedures, developed chronic pain and suffered permanent disability. The claim was pleaded in excess of £3.3m and settled at a JSM shortly before trial.

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#### FG v H NHS Trust (2022)

Helen, led by Caroline Harrison KC, acted for the claimant child in relation to her claim for damages arising out of negligence in the management of her birth. She suffered a hypoxic brain injury and developed atypical four-limbed cerebral palsy. The claim was settled shortly before trial, the capital value of the settlement being in excess of £18m.

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#### IJ v K NHS Trust (2022)

Helen acted for the defendant in this claim arising out of a maternal death following a negligent delay in diagnosing pulmonary hypertension during pregnancy. Liability was admitted. The claim settled at mediation, the contentious issues being the deceased's "but for" life expectancy and ability to provide services.

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#### LM v N NHS Trust (2022)

Helen acted for the defendant NHS Trust in relation to this sensitive claim brought by the family of an illegal

immigrant who killed himself whilst awaiting deportation at a Detention Centre. It was alleged that the Trust had failed properly to assess the risk by suicide and had discharged the deceased from inpatient care with inadequate provision in place. The case included a Human Rights Act claim. Valuation was challenging because of the uncertainty in predicting the deceased's future but for his death. Settled at mediation.

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Thomasson v Salford Royal NHS FT (2021) Recorder David Allan KC, Manchester CC

Helen acted for the defendant in this claim arising out of an allegedly negligent delay in performing emergency neurosurgery leading to blindness. The claim was dismissed following a 5-day trial. The judgment is reported and known to be of significance because of its analysis of the reasons for preferring one medical expert over another.

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## Personal Injury

Helen's personal injury practice focuses on high value claims across the spectrum of employer's liability (including industrial disease and psychiatric injury); occupiers' liability and defective premises; accidents abroad; RTAs (including claims involving allegations of fraud); and the Animals Act. She has a particular interest in cases involving serious psychiatric, as well as physical, injuries, and in chronic pain.

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### Notable Personal Injury cases

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AB v the Ministry of Defence (2022)

Helen acted for the claimant, a member of the Royal Navy, in his claim for damages arising out of an injury suffered during a training course when he was placed in a stress position during a mock interrogation. The career-long loss of earnings claim was particularly complex, requiring expert evidence from specialist employment and accountancy experts. The claim settled shortly before trial.

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The Estate of CD v Various Parties (2022)

Helen acted for one of three defendants in this claim arising out of the death of a pedestrian who fell head-first, when severely intoxicated, into an unfenced waterworks excavation in the pavement outside his home. The contractual position between the defendants was complex and a key issue was the extent to which the deceased caused his own death because of extreme alcohol consumption. The claim settled at a JSM.

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EF v G NHS Trust (2022)

Helen acted for the defendant NHS Trust in this employer's liability claim brought by a consultant pathologist arising out of her negligent exposure to formaldehyde. She developed an allergic reaction and was unable to perform 'cut-ups', a key part of pathology work, and claimed to have suffered a secondary psychiatric injury. Quantum issues related to the claimant's likely career path and earnings and pension but for her exposure, and the extent to which they would have been impacted by pre-existing psychiatric disorder. The claim settled shortly before trial.

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### The Estate of HI v J Ltd (2021)

Helen acted on behalf of the defendant in a very sensitive FAA claim, which settled pre-action at a JSM. The deceased, who was attending her daughter's wedding, was run over by a Range Rover driven by the wedding venue's manager whilst crossing the car park. The dependency claim involved the contentious issue of assessment of loss in the context of a family business.

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### Stephenson v Coleman (2020), Oxford County Court

Helen acted for the owners of an equestrian centre who permitted an employee and his wife to sleep in an old converted horse box after an event. The wife fell from an unfenced bed above the cab, a distance of six feet, and suffered a traumatic head injury. The claim was dismissed at trial, the judge having been persuaded that the danger was an obvious one, the claimant had willingly accepted it and, in her intoxicated state, had failed to take reasonable care.

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## Travel

Helen's travel and jurisdiction practice is built on her personal injury and clinical negligence expertise. She was involved in the leading case of *Wall v MPA* (practical application of Rome II) and has particular experience of cases involving Spanish law.

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### Notable Travel cases

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#### AB v C Insurance Co (2022)

Helen acted for the claimant, who suffered a spinal injury during a speed boat tour of the harbour in Barcelona. Liability was conceded and the claim settled shortly before trial, one of the key issues being the extent to which interest should be awarded in accordance with Spanish rates or English rates.

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#### DE v F Insurance Co (2022)

Helen acted for the defendant insurer in a claim brought by a Bulgarian national, living in the UK, arising out of a road traffic accident in Germany. The claimant suffered major psychiatric disorder following the accident and developed a severe acquired stammer. The claim settled at a JSM shortly before trial.

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#### GH & others v I Insurance Co

Helen acted for the claimant family who were all injured in a serious road traffic accident whilst holidaying in France. Valuation and settlement of the 7-year-old son's case was particularly challenging because of a thorny legal issue regarding provisional damages.

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#### JK v L Insurance Co

Helen acted for the claimant, who suffered severe facial injuries while being treated for anaphylactic shock as a result of an allergic reaction to penicillin while on holiday in Spain. Clinical negligence claim against Spanish doctor settled before trial.

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## Significant Cases

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Thomasson v Salford Royal NHS Foundation Trust [2021] 1 WLUK 607

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Pearce v East and North Hertfordshire NHS Trust [2020] EWHC 1504 (QB)

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Olayemi v Athena Medical Centre [2016] 7 WLUK 410

Acted for the successful appellant pro bono under the ELAAS scheme.

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Ukeh v Ministry of Defence [2015] 5 WLUK 430

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Secretary of State for Business, Innovation & Skills v Studders & others [2011] 5 WLUK 436

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Rashford v Secretary of State for the Home Department [2010] EWHC 2200 (QB)

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Sunley v Ministry of Justice [2009] 3 WLUK 332

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R (on the application of UMBS Online) v Serious Organised Crime Agency [2007] EWCA Civ 406

## Appointments

- Recorder, Midlands Circuit, Crime
- Junior Counsel to the Crown (C Panel)

## Awards

- Hardwicke Scholar, Lincoln's Inn
- European Commission Human Rights Scholar

## Education

- MA (Jurisprudence), Hertford College, Oxford University

## Memberships

- Personal Injury Bar Association (PIBA)
- Professional Negligence Bar Association (PNBA) (Executive Committee member since 2023)
- Ogden Working Party (since 2024)

## Recommendations

*"Helen is calm in difficult situations and is my go to counsel for sensitive or complex settlement meetings."*

*"Helen has a good eye for detail and the commercial realities of the claims."*

*"She is a very good technical lawyer who takes a pragmatic and commercial view."*

*"She is an astute tactician and has an excellent manner with clients."*

**Chambers UK 2024**

*"Helen is technically excellent, extremely knowledgeable and very articulate."*

*"Very thorough and always well-prepared. Good negotiator and advocate."*

**Legal 500 2024**

*"Helen has an excellent eye for detail and is very thorough."*

*"She is a very assured advocate."*

*"Helen is an excellent advocate. She is quick to grasp the essential issues in the claim."*

*"Helen is a hugely impressive barrister. She is direct but also appreciates the needs of her clients and always delivers results."*

**Chambers UK 2023**

*"Helen has a fantastic manner; her drafting skills are exemplary, she is responsive and is widely respected."*

*"Her calm and thorough approach means she's highly regarded by clients, and she has a great mind for quantum issues."*

**Legal 500 2023**

*"She has incredible attention to detail and is very precise, efficient and approachable. She commands*

*authority and writes beautifully."*

*"She is a very good technical lawyer and advocate who takes a sensible and pragmatic approach to cases."*

*"She is meticulous at planning and clients have a lot of confidence in her. She is an excellent junior."*

*"She's very impressive in RTMs and conferences."*

*"She fights her client's corner and is a robust and very good advocate."*

**Chambers UK 2022**

*"Helen is an excellent advocate; knowledgeable and articulate."*

*"Her calm and thorough approach makes her highly regarded with clients, and she has a great mind for quantum issues."*

**Legal 500 2022**

*"She is very attentive and clients really like her."*

*"Helen has a wonderful advocacy style."*

*"Excellent in her analysis of both liability and quantum."*

*"Very thoughtful, intelligent and organised. Her written work is very impressive."*

*"Easy to work with and excellent with clients."*

**Chambers UK 2021**

*"A thoughtful barrister with a real enthusiasm for the work."*

**Legal 500 2021**

*"She is extremely incisive in terms of both her paperwork and her cross-examinations. She's client-friendly and gives very practical and accurate advice."*

**Chambers UK 2020**

*"She has excellent knowledge of clinical negligence law."*

**Legal 500 2020**

*"She's firm but pragmatic, and very good at what she does."*

*"She's very experienced, trustworthy and approachable."*

**Chambers UK 2019**

*"A thorough and competent barrister with a good eye for detail."*

*"She dealt beautifully with a tricky case."*

*"Reputed for her ability to address allegations of exaggeration."*

**Chambers UK 2018**